

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FERNANDO DE SAUSA, et al.

Plaintiffs,

v.

HSBC BANK U.S.A., N.A., et al.,

Defendants.

NO. C12-5081 TEH

ORDER DENYING STIPULATION
FOR *IN CAMERA* REVIEW OF
SETTLEMENT AGREEMENTS


The parties have represented that they have settled all claims, including Plaintiffs' claims under the Fair Labor Standards Act ("FLSA"), and jointly request that the Court review the agreements *in camera* because the parties have agreed to keep the settlement terms confidential. They assert that courts "regularly approve FLSA settlement agreements after reviewing the terms *in camera*" and cite two out-of-district cases from early 2009 to support their contention. Jan. 29, 2014 Stip. & Proposed Order at 3. However, citing cases that post-date the two cases relied on by the parties, one judge in this district recently concluded that "[m]ost district courts considering a motion to seal in connection with a motion to approve settlement of FLSA claims have applied a presumption of public access." *Luo v. Zynga Inc.*, No. C13-0186 NC, 2013 WL 5814763, at *2 (N.D. Cal. Oct. 29, 2013). That court further noted that "[t]he existence of a confidentiality provision, without more, does not constitute good cause, let alone a compelling reason, to seal" a settlement agreement. *Id.* at *3.

Accordingly, with good cause appearing, the parties' stipulation for *in camera* review is DENIED without prejudice. The parties shall consider the reasoning in the *Luo* case and reconsider whether the settlement agreements in this case must be filed in the public record.

1 If the parties believe that the standard for filing under seal is satisfied, then they shall file a
2 motion to file documents under seal pursuant to Civil Local Rule 79-5.

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4 **IT IS SO ORDERED.**

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6 Dated: 02/04/14



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT